

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.74 OF 2000
IN
PETITION NO.51 OF 2000

Mr.Shailesh Umakant Shukla. ...Petitioner.

vs.

Shri.Indradeo Harihar Shukla ...Respondent.

Mr.A.K.Tripathi with D.R.Mishra, for Petitioner.

Mr.P.N.Patwardhan, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 7th July, 2006.

P.C.:-

By consent of parties, the petition is disposed of in the following terms:-

1. The probate granted of the Will dated 10.5.1999 of the testator in favour of the respondent – Mr.Indradeo Harihar Shukla shall be subject to the result of the petition no.824 of 2000 filed by Mr.Shailesh U. Shukla who is the petitioner in this miscellaneous petition.

2. In case the respondent Mr.Indradeo Harihar Shukla files his caveat and the affidavit in petition no.824 of 2000, the office shall accept it and shall convert the petition no.824 of 2000 into a testamentary suit and place it before the Court for further orders.

3. It is agreed that in case the probate of the Will of the deceased dated 14.5.1999 as claimed by Mr.Shailesh U.Shukla in petition no.824 of 2000 is granted by the Court, on contest between the parties, the probate of the Will dated 10.5.1999 granted by the Court in petition no.51 of 2000 in favour of Mr.Indradeo Shukla shall automatically stand cancelled.

4. On the contrary, in case the probate of the Will dated 14.5.1999 of the deceased as claimed in Petition no.824 of 2000 by Mr.Shailesh Shukla is not granted by the Court, the Probate granted in favour of Mr.Indradeo Shukla shall remain in tact and operative.
